

April 17, 1985

LB 413, 608  
LR 32, 91

PRESIDENT: The motion prevails. The resolution is advanced. Call of the house is raised. Thank you. Do you have any matters for the record at this time, Mr. Clerk?

CLERK: Mr. President, a couple of items. New resolution by Senators Withem, Hartnett and Beyer. (Read LR 91.)

Mr. President, Senator Landis would like to print amendments to 413 in the Journal. (See page 1612 of the Legislative Journal.)

PRESIDENT: We move on into priority bills on General File. LB 608.

CLERK: Mr. President, 608 was a bill that was introduced by Senator Schmit. (Read title.) The bill was read on January 22, it was referred to the Business and Labor Committee for hearing. The bill was advanced to General File. There are Business and Labor Committee amendments pending.

PRESIDENT: Senator Barrett for committee amendments, Chairman Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. By way of background, LB 608 would increase the maximum and the minimum weekly benefits for workmen's compensation in its original form. The committee amendments would delete from the bill the retroactive calculation or the recalculation, as it were, of benefits with any resulting increases payable after the effective date of the bill as if the increased maximum weekly benefit amount provided in the bill had been in effect at the time of the injury, the elimination of the retroactive provision. I believe that the introducer is in sympathy with that. We've asked for an Attorney General's opinion on the subject of whether or not the retroactive provisions are constitutional. We do not have an answer as of this moment, but based on committee staff research done on the subject involving states where similar issues have been faced, it would appear that the greater weight of authority appears to say that the retroactive provisions in the original form might be in violation of our Constitution. Therefore, Mr. President, I would move that the committee amendments be adopted.